

REMARKS

Claims 1-20 are pending in the instant application. The Examiner has rejected claims 1-20 under 35 U.S.C. 102(c). Claims 1, 8, and 15 have been amended. Claim 20 has been canceled. New claims 21-23 have been added. The Applicant submits that claims 1-19, and 21-23 are in condition for allowance and respectfully requests reconsideration and withdrawal of the outstanding rejections. No new matter has been entered.

Claim Rejections Under 35 USC 102

Claims 1-20 stand rejected under 35 U.S.C. 102(c) as being allegedly anticipated by U.S. Patent Publication No. 2004/0209605 to Urban et al. (hereinafter "Urban"). Claims 1, 8, and 15 have been amended. Claim 20 has been canceled. New claims 21-23 have been added. No new matter has been entered by this amendment. Support can be found throughout the Specification and the Figures.

To anticipate a claim under 35 U.S.C. 102, a single source must contain all of the elements of the claim. *Lewmar Marine Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988). Moreover, the single source must disclose all of the claimed elements "arranged as in the claim." *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

The Examiner states with respect to claims 1, 8, and 15 that Urban teaches each and every feature recited therein. The Applicant has amended claims 1, 8, and 15 in a non-narrowing manner for clarification. As amended, claims 1, 8, and 15 recite, "retrieving information elements stored in a network database and associated with an originator terminal...and transmitting a communication including said information elements to said recipient terminal." Urban does not teach or suggest these features. Rather, Urban discloses

a Caller ID Messaging Device 200 whereby a “calling party composes, retrieves, and /or otherwise generates a Caller ID Message using his/her communications device 110 and/or the Caller ID Messaging Device 200 which transmits a Caller ID Messaging Signal...to the communications network 120” (paragraph 39). Further, Urban discloses that the “Caller ID Messaging Device 200 includes Caller ID Messaging Program 214 that operates within a system memory device 212...flash memory or a peripheral storage device 216.”

The features and functions recited in Applicant’s claims 1, 8, and 15 do not reside on the communications device or peripherals as taught by Urban (see Caller ID Messaging Device 200 in Figures 1, 2, 7-10, 15). Nor are the features and functions recited in Applicant’s claims 1, 8, and 15 contingent upon dialing in an access number prior to implementing the features as disclosed in paragraph 56 of Urban (see also Figures 16-17). Rather, the features and elements of the communications devices (terminals) recited in Applicant’s claims 1, 8, and 15 require no additional hardware or software, in contrast to the teachings of Urban (see paragraph 40), and further require no additional processing steps, in contrast to the teachings of Urban, which states “the calling party makes use of an access number of the telecommunications network...to compose, generate, transmit, and/or otherwise manage Caller ID Messaging Signals” (paragraph 56).

Thus, Urban does not teach or suggest each and every element of Applicant’s claims 1, 8, and 15. For at least these reasons, the Applicant submits that claims 1, 8, and 15 are in condition for allowance and respectfully request reconsideration and withdrawal of the outstanding rejections. Claims 2-7 depend from what should be an allowable claim 1. Claims 9-14 depend from what should be an allowable claim 8. Claims 16-19 depend from what should now be an allowable claim 15. For at least these reasons, the Applicant submits that claims 2-7, 9-14, and 16-19 are in condition for allowance and respectfully request reconsideration and withdrawal of the outstanding rejections.

The Applicant further submits that new claims 21-23 are also patentable over Urban. New claims 21-23 recite a method, system, and storage medium, respectively, which further describes features of the service plan recited in claims 1, 8, and 15. Specifically, claims 21-23 recite “the service plan includes options including controlling presentation of the communication on the recipient terminal by screening the information elements in the

communication based upon at least one of content and format of the information elements, the screening performed based upon criteria configured by a user of the recipient terminal." Support for these amendments may be found, e.g., in paragraph 28 of the Specification. Urban is devoid of teaching or suggesting any type of screening based upon content and/or format of the information elements as recited in claims 21-23. For at least these reasons, the Applicant submits that claims 21-23 are in condition for allowance.

CONCLUSION

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to the Applicant. Accordingly, reconsideration and allowance is requested. It is submitted that the foregoing amendments and remarks should render the case in condition for allowance.

Accordingly, as the cited references neither anticipate nor render obvious that which the applicant deems to be the invention, it is respectfully requested that claims 1-19 and 21-23 be passed to issue.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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